HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No. 557 OF 2007

Between

Ganga Shanker Vyas

… Appellant

And

Govt. of Andhra Pradesh, rep., by its
Secretary, Endowments Department,
Secretariat, Hyderabad and eight others

… Respondents

::JUDGMENT::

Counsel for the appellant : Shri Pratap Narayan Sanghi

July 9, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 5-3-2007 passed by the learned Single Judge in WPMP No. 5534 of 2007 in Writ Petition No. 4332 of 2007, whereby he declined the appellant's prayer for issue of an interim mandatory direction to the official respondents to remove encroachment from the land belonging to Sri Gurudwara Parushuram Mandir.

We have heard Shri Pratap Narayan Sanghi, learned counsel for the appellant and perused the record.

Since the prayer made in the interim application was substantially similar to the one made in the main petition, the learned Single Judge did not commit any error by declining to entertain the same and we do not see any reason to issue a direction which may result in virtual disposal of the writ petition at the interlocutory stage.

We are further of the view that mere admission of the writ petition is not sufficient for entertaining the prayer for interim relief for which the petitioner has to convince the Court that elements of balance of convenience, irreparable injury and public interest are in his favour. In the present case, both the last two mentioned elements are against the petitioner (the appellant herein).

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the writ petition, WAMP No. 1086 of 2007 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 9, 2007
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